

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

I.S., a minor by and through her mother and next friend, ANAIS DISLA; J.B., a minor by and through her parents and next friends, ISELYH DISLA and JOSE BRISTOL; I.M., a minor by and through her mother and next friend, ZULAYKA MCKINSTRY; A.S., a minor by and through her mother and next friend, CHANDERLIA SILVA,

Plaintiffs,

-against-

BINGHAMTON CITY SCHOOL DISTRICT;
BINGHAMTON BOARD OF EDUCATION; TIM
SIMONDS, in his individual and official capacity;
MICHELLE RALEIGH; in her individual and official
capacity; MARY ELLEN EGGLESTON, in her
individual and official capacity,

Defendants.

Civil No. 3:19-cv-00513-GTS-MJK

Hon. Glenn T. Suddaby

Hon. Mitchell J. Katz

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

On April 29, 2019, Plaintiffs filed their complaint in the District Court for the Northern District of New York, bringing claims against Defendants for alleged violations of the Fourth and/or Fourteenth Amendments. (ECF No. 1.) On February 1, 2024, the Court issued its Summary Judgment Decision and Order (the “SJ Order”). (ECF No. 314.) The SJ Order dismissed all claims brought by Plaintiffs except for one Fourth Amendment claim brought by Plaintiff Zulayka McKinstry on behalf of I.M. (“I.M.”) against Defendant Mary Ellen Eggleston (“Eggleston”) (the “Remaining Claim”).

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, it is hereby stipulated and agreed, by and between Plaintiff McKinstry on behalf of I.M. and Eggleston, through their

undersigned counsel and subject to the approval of the Court, that the Remaining Claim by Plaintiff McKinstry on behalf of I.M. against Eggleston and all claims and/or defenses by Eggleston against Plaintiff McKinstry on behalf of I.M. asserted in this action are hereby DISMISSED with prejudice to the re-filing of the same. Plaintiff McKinstry preserves her right to appeal the claims on behalf of I.M. that were dismissed at summary judgment. Each party shall bear its own attorneys' fees, costs, and expenses.

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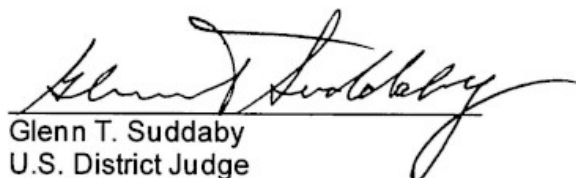
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SO ORDERED, this 15th day of July, 2024.


Glenn T. Suddaby
U.S. District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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Civil No. 3:19-cv-00513-GTS-MJK

Plaintiffs,

ORDER

-against-

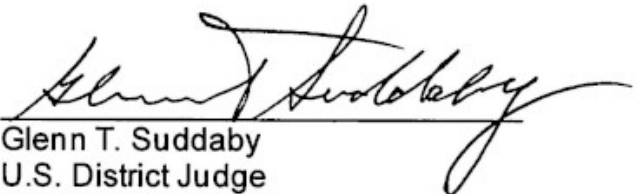
BINGHAMTON CITY SCHOOL DISTRICT;
BINGHAMTON BOARD OF EDUCATION; TIM
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individual and official capacity,

Defendants.

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Upon consideration of the parties' Stipulation of Dismissal and Plaintiffs' motion under L.R. 17.1, filed in this matter, the Stipulation of Dismissal is GRANTED. The clerk is directed to enter the stipulation dismissing this matter and enter final judgment as to I.M.'s remaining claim.

Dated: 7/15/2024


Glenn T. Suddaby
U.S. District Judge